IPW

Patent
Attorney Docket No. 892,280-602
(formerly 342312004900)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of:<br><br>**LEWIS et al.**<br><br>**Serial No.: 10/642,807**<br><br>Filed: August 15, 2003<br><br>For: NOVEL LINCOMYCIN DERIVATIVES POSSESSING ANTIMICROBIAL ACTIVITY | Group Art Unit: 1623<br><br>Examiner Peselev |

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above–identified application is hereby disclosed. The accompanying Form PTO–1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left–most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

September 9, 2005
Date of Deposit

Cynthia B. Pacheco

NB1:662884.1

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required. However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.

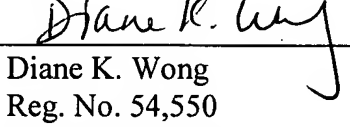
In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO–1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in the related U.S. Application Serial No. 10/777,455, filed February 11, 2004. Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there–against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: September 9, 2005

By 

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*(Use as many sheets as necessary)*

| Sheet | 1 | of | 5 |
|---|---|---|---|

| *Complete if Known* | |
|---|---|
| Application No. | 10/642,807 |
| Filing Date | August 15, 2003 |
| First Named Inventor | Lewis et al. |
| Art Unit | 1623 |
| Examiner Name | Peselev |
| Attorney Docket No. | 892,280-602 (formerly 342312004900) |

## U.S. PATENT DOCUMENTS

| Examiner Initials | Cite No.[1] | Document No. Number-Kind Code[2] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| | 1. | 2,851,463 | 09/09/1958 | Hinman et al. | |
| | 2. | 2,928,844 | 03/15/1960 | De Boer et al. | |
| | 3. | 3,255,174 | 06/07/1966 | Bannister et al. | |
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| | 18. | 4,293,547 | 10/06/1981 | Lewis et al. | |
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## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Country Code[3] Number[4] Kind Code (*if known*) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| | 19. | EP 0161 794 | 11/21/1985 | The Upjohn Company | | |
| | 20. | GB 1 298 295 | 11/29/1972 | The Upjohn Company | | |
| | 21. | GB 1 347 598 | 02/27/1974 | The Upjohn Company | | |
| | 22. | WO 89/04672 | 06/01/1989 | The Upjohn Company | | |

| NB1:662843. 2Examiner Signature | Date Considered | |
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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*(Use as many sheets as necessary)*

Sheet 2 of 5

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|---|---|
| Application No. | 10/642,807 |
| Filing Date | August 15, 2003 |
| First Named Inventor | Lewis |
| Art Unit | 1623 |
| Examiner Name | Peselev |
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|---|---|---|---|---|---|---|
| | 23. | WO 2004/016632 | 02/26/2004 | Vicuron Pharmaceuticals Inc. | | |
| | 24. | WO 2005/012320 | 02/10/2005 | Vicuron Pharmaceuticals Inc. | | |
| | 25. | WO 2005/007665 | 01/27/2005 | Vicuron Pharmaceuticals Inc. | | |

## NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate),title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published | T[2] |
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| | 26. | Alexander, J. et al. (1988) "(Acyloxy)alkyl Carbamates as Novel Bioreversible Prodrugs for Amines: Increased Permeation through Biological Membranes," JOURNAL OF MEDICINAL CHEMISTRY 31(2): 318-22. | |
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Sheet 3 of 5

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| First Named Inventor | Lewis |
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| Examiner Name | Peselev |
| Attorney Docket No. | 892,280-602 (formerly 342312004900) |

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| | 32. | Bannister, B. et al. (1980) "The S-Alkylation of Sulphides by an Activated Carbohydrate Epimine Under Acidic Catalysis: the Formation of α-Acetamido-sulphides. Part 4. Reactions with Dithioacetals and Monothioacetals" JOURNAL OF THE CHEMICAL SOCIETY, PERKINS TRANSACTIONS 1 2:540-552 | |
| | 33. | Bannister, B. et al. (1987) "The S-Alkylation of Sulphides by an Activated Carbohydrate Epimine Under Acidic Catalysis: the Formation of α-Acetamido-sulphides. Part 5. The Introduction of Functionality into the Sulphide Substituent" J. CHEM. RES. 4:701-94 | |
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| | 41. | Flaherty, P. et al. (1996) "Synthesis and Selective Monoamine Oxidase B-Inhibiting Properties of 1-Methyl-2,3,6-Tetrahydropyrid-4-yl Carbomate Derivatives: Potential Prodrugs of (*R*)- and (*S*)-Nordeprenyl," JOURNAL OF MEDICINAL CHEMISTRY 39(24): 4756-61. | |
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NB1:662843. 2Examiner Signature | Date Considered

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|---|---|---|---|
| | 51. | Sakamoto, F. et al. (1984) "Studies on Prodrugs. II. Preparation and Characterization of (5-Substituted 2-Oxo-1,3-Dioxolen-4-yl)methyl Esters of Ampicillin" CHEM. PHARM. BULL. 36(6): 2241-48. | |
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| | 59. | Yong, K. et a l. (2001) "Studies on the Alkylation of 3-Methyl-3-buten-1-ol Dianion: An Efficient Synthesis of 3-Methylene-1-alkanols Including a San Jose Scale Sex Phereomone" JOURNAL OF ORGANIC CHEMISTRY 66(24): 8248-51. | |

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